

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>RUSSELL A. WALLERY,</b>	:	<b>CIVIL NO. 3:CV-13-0002</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Munley)</b>
<b>v.</b>	:	
	:	
<b>PRISON HEALTH SERVICES, et al.,</b>	:	
<b>Defendants</b>	:	

.....

**ORDER**

**AND NOW**, to wit, this 28<sup>th</sup> day of February 2014, upon consideration of defendants' motion (Doc. 23) to dismiss, and in accordance with the Court's Memorandum of the same date, it is hereby **ORDERED** that:

1. Defendants' motion (Doc. 23) is **GRANTED** with prejudice as to plaintiff's Fourteenth Amendment claim.
2. Defendants' motion (Doc. 23) is **GRANTED** without prejudice to plaintiff's right to file to an amended complaint as to the Eighth Amendment claim as set forth below.
3. If plaintiff can correct the deficiencies of his amended complaint by including factual allegations in support of his Eighth Amendment claim, he may **FILE** an amended complaint on or before March 19, 2014.
4. The second amended complaint shall contain the same case number that is already assigned to this action (3:13-CV-0002) and shall be direct, concise, and shall stand alone without reference to any other document filed in this matter. See FED. R. CIV. P. 8(e).
5. Plaintiff is cautioned that in the event that he names Zimmerman and Law as defendants in his second amended complaint, he shall provide the Court with accurate addresses or information as to their whereabouts as they have

been unable to be served based on prior information provided by plaintiff.

6. In the event that plaintiff fails to file a second amended complaint within the time frame set forth in this Order, the amended complaint will be dismissed in its entirety and the case will be closed.

**BY THE COURT:**

**s/James M. Munley**  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**